

NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

TUESDAY, JANUARY 14, 2014 – 7:00 P.M.

Prayer offered by Councilman Paul Riddick, followed by the Pledge of Allegiance.

The following members were present: Ms. Green, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Mr. Winn, Ms. Williams and Mr. Fraim.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective January 14, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

CEREMONIAL MATTER

President Fraim presented the following Resolution congratulating The Norfolk Saints Athletic Association on their Super Bowl Championship. Coach Jonathan Wilson accepted the Resolution.

WHEREAS, The Norfolk Saints Athletic Association was established in 2003 to stimulate interest and participation in football and cheerleading and to instill life-long values of teamwork, dedication and superior work ethic; and

WHEREAS, playing under the National charter of Pop Warner Little Scholars, the Norfolk Saints Division II Junior Pee Wee football team was Southeastern Virginia and Mid-South Regional Champions for the 2013 season; and

WHEREAS, their undefeated season culminated with a victory over the Bedford Heights Saints from Ohio on December 13, 2013 at the 57th annual Pop Warner Division II Junior Pee Wee Super Bowl Championship in Orlando, Florida; and

WHEREAS, under the leadership of Head Coach Jonathan T. Wilson, the Norfolk Saints have distinguished themselves as a national powerhouse on the playing field and in the classroom, and this is a source of great pride for the players, their families and the coaching staff.

NOW, Therefore, Be It Resolved:

Section 1:- That the Council of the City of Norfolk hereby congratulates the Norfolk Saints Division II Junior Pee Wee football team on the occasion of winning the 2013 Pop Warner Division II Junior Pee Wee Super Bowl.

Section 2:- That this resolution be recorded in the permanent proceedings of the City Council and that a copy thereof be presented to Coach Wilson and his team.

ACTION: The Resolution as introduced was **adopted**, effective January 14, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

President Fraim recognized members of Boy Scout Troop 381 (from St. Pius Parish) along with Scout Leader Tom Welch who were attending the meeting to fulfill a merit badge requirement.

PUBLIC HEARINGS

PH-1

PUBLIC HEARING scheduled this day pursuant to action of the Council **October 22, 2013**, under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Tidewater Commerce Center** a) to amend the future land use map, “Map LU-1”, of the City’s General Plan, plaNORFOLK 2030, from Industrial to Commercial and b) for a change of zoning from I-1 (Limited Industrial) District to Conditional C-2 (Corridor Commercial) District on property located at **630 and 660 Tidewater Drive**.

(PASSED BY AT THE MEETING OF NOVEMBER 26, 2013)

Vince Mastraco, 150 West Main Street, attorney for the applicant, spoke in favor of this matter.

Bryant Goodloe, 8809 Adams Drive, Suffolk, Andrew Fine, 600 22nd Street, Virginia Beach, Morris Fine, 600 22nd Street, Virginia Beach and Bob Miller, 5033 Rouse Drive, Virginia Beach, were present to answer questions.

ACTION: Continued to January 28, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

PH-2

PUBLIC HEARING scheduled this day pursuant to action of the Council **December 10, 2013**, under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Eastern Virginia Medical School by Mark Babashanian** for the closing, vacating and discontinuing of 0.61 acre of unimproved right-of-way, more or less, at the northwest corner of **Colley Avenue and Brambleton Avenue**.

Dennis Richardson, 999 Waterside Drive, was present to answer questions regarding this matter.

Thereupon, an Ordinance entitled, “An Ordinance closing, vacating and discontinuing a portion of Colley Avenue, and authorizing the conveyance to the abutting property owner of any interest the City may have in the underlying fee of said portion of Colley Avenue,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 14, 2014.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-3

PUBLIC HEARING scheduled this day pursuant to action of the Council **December 10, 2013** under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance of a **GEM Lot to Terrence Winfield and Betti Winfield** on property located at **1823 Tidewater Drive**.

Thereupon, an Ordinance entitled, “An Ordinance authorizing the conveyance to Terrence M. Winfield and Betti M. Winfield of a certain parcel of property acquired by the City of Norfolk pursuant to section 58.1-3970.1 of the code of Virginia, 1950, as amended, and approving the terms and conditions of the conveyance agreement,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 14, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

PH-4

PUBLIC HEARING scheduled this day pursuant to action of the Council **December 10, 2013**, under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **EA's Little Blessings by Eli Anthony** to a) amend *PlaNORFOLK*, from Single-Family Traditional to Commercial and b) for a rezoning from R-11 (Moderate Density Multi-Family) district to Conditional C-1 (Limited Commercial) district on property located at **956 and 960 Berkley Avenue Extended**.

Hollis Ellis, 321 Office Square Lane, Virginia Beach, was present to answer questions regarding this matter.

Thereupon, an Ordinance entitled, "An Ordinance to amend the City's General Plan, *PlaNORFOLK2030*, SO AS TO change the land use designation for property located at **956 and 960 Berkley Avenue** extended from Single-Family Traditional to Commercial," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was adopted, effective January 14, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

PH-4A

An Ordinance entitled, "An ordinance to rezone property located at **956 and 960 Berkley Avenue extended** from R-11 (Moderate Density Multi-Family Residential) District to Conditional C-1 (Limited Commercial) District," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was adopted, effective January 14, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

PH-5

PUBLIC HEARING scheduled this day pursuant to action of the Council **December 10, 2013**, under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **First Church of God by Reverend Harold Boyd**, to a) amend *PlaNORFOLK2030*, from Institutional to Single-Family Suburban and b) for a rezoning from Conditional IN-1 (Institutional) district to R-7 (Single-Family) district on property located at **8620 Granby Street**.

Thereupon, an Ordinance entitled, “An Ordinance to amend the City’s General Plan, Pla~~NORFOLK~~2030, SO AS TO change the land use designation for property located **at 8620 Granby Street** from Institutional to Single-Family Suburban,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 14, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

PH-5A

An Ordinance entitled, “An Ordinance to rezone property located at **8620 Granby Street** from Conditional IN-1 (Institutional) District to R-7 (Single-Family Residential) District,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was adopted, effective January 14, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

PH-6

PUBLIC HEARING scheduled this day pursuant to action of the Council **December 10, 2013**, under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City of Norfolk on behalf of the Fairmont Park Civic League**, to amend **Zoning Ordinance of the City of Norfolk, 1992**, Sections 11-11, “Pedestrian Commercial Overlay District,” and 11-41, “Lafayette Boulevard Pedestrian Commercial and Residential Overlay District (PCRO-Lafayette Boulevard),” in order to revise certain development standards.

Thereupon, an Ordinance entitled, “An Ordinance to amend sections 11-11 and 11-41 of the **Zoning Ordinance of the City of Norfolk, 1992**, **SO AS TO** modify the regulations of development standards for the Lafayette Boulevard Pedestrian Commercial and Residential Overlay District (PCRO-Lafayette Boulevard),” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 14, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

PH-7

PUBLIC HEARING scheduled this day pursuant to action of the Council **December 10, 2013**, under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Norfolk Airport Authority by Tim Boykin**, to amend Chapter 10 of the **Zoning Ordinance of the City of Norfolk 1992**, “Table 10-A - Table of Land Uses” for Special Purpose Districts, in order to allow additional land uses within the GA (General Airport) district.

Anita Poston, 101 West Main Street, Tim Boykin, 101 West Main Street and Wayne Shank, 2200 Norview Avenue, were present to answer questions.

Thereupon, an Ordinance entitled, “An Ordinance to amend and reordain table 10-A of the Zoning Ordinance of the City of Norfolk, 1992, in order to modify the uses permitted in the GA (Airport) District,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 14, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

PH-8

PUBLIC HEARING scheduled this day pursuant to action of the Council **December 17, 2013**, under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the Amendment to a Lease with **Cleo Ruby, Inc. (Todd Jurich's Bistro)** to adjust the rental rate and to extend the term of the lease for an additional five (5) years on property located at 150 West Main Street.

Thereupon, an Ordinance entitled, "An Ordinance approving an agreement to lease with **Cleo Ruby, Inc.**, for the use of certain space in Suntrust Building," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 14, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

REGULAR AGENDA

R-1

Matter of a letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to **Arthur Hopkins** to permit the resumption of a nonconforming, multiple-family residential use on property located at **1700 Kingston Avenue**," was introduced in writing and read by its title.

(PASSED BY AT THE MEETINGS OF OCTOBER 8, 2013 AND NOVEMBER 26, 2013.)

Arthur Hopkins, 1700 Kingston Avenue, Kathy Litz, 4225 Country Club Circle, Virginia Beach and Linda Hopkins, 2009 Oakleafe Lane, Virginia Beach, spoke in favor of this matter.

Dera Montague, 1640 Kingston Avenue, spoke in opposition to this matter.

ACTION: The Ordinance as introduced **LOST**.

Yes: Protogyrou and Riddick.

No: Green, Smigiel, Whibley, Williams, Winn and Fraim.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to **Melanie Nusbaum** authorizing the sale of alcoholic beverages for off-premises consumption on property located at **323 Granby Street**,” was introduced in writing and read by its title.

Melanie Nusbaum, 323 Granby Street, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective January 14, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

R-3

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, “An Ordinance granting a **Special Exception** to **Dante Calcagni** to operate an automobile storage yard on property located at **3465 East Virginia Beach Boulevard**,” was introduced in writing and read by its title.

Dante Calcagni, 5521 Elizabeth Avenue and Robyn Thomas, 913 W. 21st Street, Suite 3, were present to answer questions regarding this matter.

ACTION: The Ordinance as introduced was **adopted**, effective January 14, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

R-3A

An Ordinance entitled, “An Ordinance granting a **Special Exception** to **Dante Calcagni** to permit the operation of an automobile and truck repair facility on property located at **3442 Mangrove Avenue**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 14, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to **Halabi One, LLC**, to operate an automobile sales and service establishment on property located at **6400 East Virginia Beach Boulevard**,” was introduced in writing and read by its title.

Michael Muhammad, 1216 Curie Court, spoke in favor of this matter.

Antia Poston and Tim Boykin, attorneys for Vandeventer Black, 101 West Main Street, were present to answer questions regarding this matter.

ACTION: The Ordinance as introduced was **adopted**, effective January 14, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

R-5

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, “An Ordinance granting a **Special Exception** to **Noodles and Company** authorizing the operation of an eating and drinking establishment on property located at **1520 Colley Avenue**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 14, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

R-5A

An Ordinance entitled, “An Ordinance granting a Pedestrian Commercial Overlay District Development Certificate to accommodate outdoor dining on property located at **1520 Colley Avenue**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 14, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to **Big Lots Stores, Inc.**, authorizing the sale of alcoholic beverages for off-premises consumption on property located at **1819 East Little Creek Road, Suite 1851**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 14, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to **Sassi, Inc.**, authorizing the operation of an entertainment establishment on property located at **330 West 22nd Street, Suites 104 and 105**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 14, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a \$16,506.00 grant award from the **Virginia Department of Emergency Management 2013 State Homeland Security Grant Program** to purchase hazardous materials equipment for the Department of Fire-Rescue,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 14, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

R-9

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving an Agreement between **Hampton Roads Sanitation District (“HRSD”)** and the City of Norfolk for payment of construction and replacement of an 18-inch interceptor manhole located in whole or in part at the intersection of **Chesapeake Boulevard and Norview Avenue**; accepting and appropriating up to \$40,000 if and when received therefor; and authorizing the City Manager to receive such funds and execute the Agreement on behalf of the City of Norfolk,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 14, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

R-10

Letter from the City Manager and an Ordinance entitled, “An Ordinance to repeal two subsections of Section 25-650, one subsection of Section 25-652, and five subsections of Section 25-653, and to amend and reordain Sections 25-649, 650, 652, 654, 657, and 660 of the **Norfolk City Code, 1979**, **SO AS TO** add one new right turn on red prohibition, one new left turn prohibition, one new one-way street, thirty-three new stop intersections, one new vehicles over five tons prohibition, and one new automated traffic signal,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 14, 2014.

Yes: Green, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: Protogyrou.

R-11

Letter from the City Manager and a Resolution entitled, “A Resolution requesting the **Virginia Department of Transportation** to accept certain additional city streets for municipal assistance payments and to remove certain streets from the eligible list pursuant to Section 33.1-41.1, **Code of Virginia, 1950**, as amended,” was introduced in writing and read by its title.

Alton Robinson, 735 West 35th Street, spoke regarding this matter.

ACTION: Continued to January 28, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

R-12

Letter from the City Clerk requesting confirmation of the appointment of Sydney O. Lorson as Deputy City Clerk/Secretary, effective December 9, 2013.

ACTION: Appointment confirmed.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-13

A Resolution, “A Resolution appointing or reappointing 66 persons to 6 Boards, 7 Commission, 1 Committees, and 3 Authorities for certain,” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective January 14, 2014.

Yes: Green, Riddick, Whibley, Winn, Williams and Fraim.

No: Protogyrou and Smigiel.

R-14

President Fraim announced that the next order of business is nominations for Vice Mayor.

A motion was made by Councilman Barclay Winn to nominate Angelia Williams for Vice Mayor. There being no further nominations the City Clerk called the roll and Councilwoman Williams was elected Vice Mayor.

ACTION: Motion Adopted.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

NEW BUSINESS

1. Donald Hornstein, 1309 Stockley Gardens, spoke regarding his concerns for the building at 161 Granby Street.
2. Danny Lee Ginn, 3844 Dare Circle, commented on good government.